

Sixth Appellate District

San Jose, California

MONDAY, MAY 21, 2007

The following case is submitted this date:

H030269 PEOPLE v. MARSHALL

H030653 PEOPLE v. GREEN

The judgment is affirmed. (not published)  
(Premo, J.; We concur: Rushing, P.J., Elia, J.)  
Filed May 21, 2007

H027817 PAJARO VALLEY WATER MGMT AGENCY v. RAY AMRHEIN et al.,

The judgment is reversed. (published)  
(Rushing, P.J.; I concur: Premo, J.; Concurring opinion by  
Bamattre-Manoukian, J.)  
Filed May 21, 2007

H030732 In re JUSTIN S.; D.F.C.S v. SHEIKA L.

The order terminating appellant's parental rights is conditionally reversed, and the matter is remanded to the juvenile court with directions to promptly hold a hearing, at which appellant is represented by counsel, to determine whether the ICWA applies, based on any further responses received from the noticed tribes. If no tribe has responded indicating that Justin and Tyler are Indian children, or the responses received indicate that the children are not Indian children within the meaning of the ICWA, the order terminating parental rights shall be immediately reinstated. If any noticed tribe has determined that the children are Indian children within the meaning of the ICWA, the juvenile court shall conduct further proceedings applying the appropriate provisions of the ICWA, the Welfare and Institutions Code, and the California Rules of Court. (published)  
(Elia, J.; We concur: Rushing, P.J., Premo, J.)  
Filed May 21, 2007

TUESDAY, MAY 22, 2007

H028782 PEOPLE v. JOHNSON

The trial court is directed to modify the judgment and award defendant 36 days of custody credit and to prepare an amended abstract of judgment in accordance with this disposition and to deliver it to the Department of Corrections. As modified, the judgment is affirmed. (published)  
(Premo, J.; We concur: Rushing, P.J., Elia, J.)  
Filed May 22, 2007

Sixth Appellate District

San Jose, California

Tuesday, May 22, 2007 (continued)

H030476 PEOPLE v. RENTERIA

The judgment is affirmed. (not published)  
(Premo, J.; We concur: Rushing, P.J., Elia, J.)  
Filed May 22, 2007

H030033 PEOPLE v. WILKS

By the Court\*:

Appellant's petition for rehearing is denied.  
Filed: May 22, 2007

\*Before Bamattre-Manoukian, Acting P.J., Mihara, J. and Duffy, J.

The following cases are submitted this date:

H026841 SCHMIDLIN v. CITY OF PALO ALTO, et al.

H027685 SCHMIDLIN v. CITY OF PALO ALTO, et al.

H030253 SONG v. YE

The order is affirmed. (not published)  
(McAdams, J.; We concur: Bamattre-Manoukian, Acting P.J., Duffy, J.)  
Filed May 22, 2007

H029402 GUTTIERRES-ROQUE v. ANDRES, etc.

The judgment is affirmed. Appellants shall bear costs on appeal. (not published)  
(Elia, J.; We concur: Rushing, P.J., Premo, J.)  
Filed May 22, 2007

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Mihara, J.; Bamattre-Manoukian, Acting P.J.; McAdams, J.; and Lanae Brooks, Deputy Clerk.

H028934 PEOPLE v. MEDEIROS

Cause called and argued by Elisa A. Brandes appearing for Appellant and by Christina Vom Saal, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H029447 PEOPLE v. VARGAS

Cause called and argued by Tara Maria Mulay appearing for Appellant and by Sharon R. Wooden, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

Sixth Appellate District

San Jose, California

Tuesday, May 22, 2007 (continued)

H029397 PEOPLE v. ARMSTRONG

Cause called and argued by Jill A. Fordyce appearing for Appellant and by Nanette Winaker, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H030163 PEOPLE v. MCKEE

Cause called and argued by Anthony Pagkas appearing for Appellant and by Ronald E. Niver, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H030285 LEE v. WOOD, et al.

Cause called and argued by Theresa R. Lee appearing in propria persona and by Brandi Wood appearing in propria persona. Cause ordered submitted.

Court is adjourned.

WEDNESDAY, MAY 23, 2007

The following cases are submitted this date:

H030944 In re CECELIA H.; D.F.C.S. v. PATRICIA H.

H030579 PEOPLE v. MARTINEZ

H029866 In re PAUL W. On Habeas Corpus

The appeal is dismissed. (published)  
(McAdams, J.; We concur: Bamattre-Manoukian, Acting P.J., Duffy, J.; with concurring opinion by Bamattre-Manoukian, Acting P.J.)  
Filed May 23, 2007

H029979 MOLINA, JR. v. FRY'S ELECTRONICS, INC., et al.

The judgment is affirmed. Each party shall bear its own costs and attorney fees. (not published)  
(Premo, J.; We concur: Rushing, P.J., Elia, J.)  
Filed May 23, 2007

H031004 PEOPLE v. ABILA

The judgment is affirmed. (not published)  
(McAdams, J.; We concur: Mihara, Acting P.J., Duffy, J.)  
Filed May 23, 2007

H029399 PEOPLE v. GONZALES

The judgment is affirmed. (not published)  
(Premo, J.; We concur: Rushing, P.J., Elia, J.)  
Filed May 23, 2007

Sixth Appellate District

San Jose, California

Wednesday, May 23, 2007 (continued)

H030973 PEOPLE v. BARNES

The judgment is affirmed. (not published)  
(Elia, J.; We concur: Rushing, P.J., Premo, J.)  
Filed May 23, 2007

H030588 PEOPLE v. RAGHUNATH

The judgment is affirmed. (not published)  
(McAdams, J.; We concur: Bamattre-Manoukian, Acting P.J., Duffy, J.)  
Filed May 23, 2007

H029987 PEOPLE v. SUPERIOR COURT; NASMEH

Let a peremptory writ of mandate issue directing respondent court to vacate its order granting Nasmeh's motion to suppress evidence purportedly taken from his Jeep Cherokee and to enter a new order denying the motion. In the interests of justice, this opinion is made final immediately on filing with regard to this court. (Cal. Rules of Court, rule 8.264(b)(3).) This court's order of April 13, 2006, temporarily staying the trial proceedings, is vacated. (published)  
(Duffy, J.; I concur: Bamattre-Manoukian, Acting P.J.; Concurring opinion by: Mihara, J.)  
Filed May 23, 2007

H029524 PEOPLE v. VIBANCO

By the Court:

Appellant has requested that our opinion, filed on April 30, 2007, be certified for publication. It appears that our opinion meets the standards set forth in California Rules of Court, rule 8.1105(c). The request is GRANTED. The opinion is ordered published in the Official Reports.  
(Bamattre-Manoukian, Acting P.J.; Mihara, J., McAdams, J.)  
Filed: May 23, 2007

H030201 SMITH on HABEAS CORPUS

By the Court\*:

On the Court's own motion the petition for rehearing is granted.

Filed: May 23, 2007

\*Before Duffy, J., Mihara, Acting P.J., and McAdams, J.

Sixth Appellate District

San Jose, California

THURSDAY, MAY 24, 2007

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Bamattre-Manoukian, Acting P.J.; Mihara, J.; Duffy, J.; and Beth Miller, Deputy Clerk.

H030104 PEOPLE v. KUREK

Cause called and argued by Amy Haddix, Deputy Attorney General, appearing for Appellant and by David Johnson appearing for Respondent. Cause ordered submitted.

Bamattre-Manoukian, Acting P.J. leaves the bench and and McAdams, J. takes the bench.

H029191 WITT v. LANDIS

Cause called and argued by William Keegan appearing for Respondent and by James Braden appearing for Appellant. Cause ordered submitted.

Mihara, Acting P.J. leaves the bench and Bamattre-Manoukian, Acting P.J. takes the bench.

H030167 PEOPLE v. WHALEY

Cause called and argued by Richard Eric Holly appearing for Appellant and by Moona Nandi, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H030237 PEOPLE v. SCHOTL

Cause called and argued by Alfons Wagner appearing for Appellant and by Christopher W. Grove, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H030262 EXATRON, INC. v. DiFRANCESCO

Cause called and argued by Thomas Breen Kidwell appearing for Appellant and by Robert M. Vantress appearing for Respondent. Cause ordered submitted. Court adjourns.

H029936 ROTOLO, et al. v. SAN JOSE SPORTS AND ENTERTAINMENT, LLC., et al.

The judgment is affirmed. (published)  
(Bamattre-Manoukian, Acting P.J.; I concur: Duffy, J.; Dissenting opinion by McAdams, J.)  
Filed May 24, 2007

Sixth Appellate District

San Jose, California

Thursday, May 24, 2007 (continued)

H028703 PEOPLE v. VILLALOBOS

As to appellant Maltos, the judgment is reversed. As to appellant Villalobos, the judgment is affirmed except for the enhancements imposed pursuant to Penal Code section 186.22, subdivision (b)(1), and the firearm enhancements imposed pursuant to Penal Code section 12022.53, subdivision (e)(1), which are reversed. (not published)

(Elia, J.; We concur: Rushing, P.J., Premo, J.)

Filed May 24, 2007

The following case is submitted this date:

H028970 PEOPLE v. SIQUEIROS

FRIDAY, MAY 25, 2007

H030766 In re K. B.; DFCS v. GLORIA B.

The findings and orders of the September 25, 2006 hearing are affirmed. (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., McAdams, J.)

Filed May 25, 2007

H030175 PEOPLE v. MURPHY

The judgment is affirmed. (not published)

(Duffy, J.; We concur: Bamattre-Manoukian, Acting P.J., McAdams, J.)

Filed May 25, 2007

H027609 PEOPLE v. HOWARD

The judgment is affirmed. (not published)

(McAdams, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)

Filed May 25, 2007

H029442 PEOPLE v. MARTINEZ

The judgment is affirmed. (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: McAdams, J., Duffy, J.)

Filed May 25, 2007

H030667 SCANLIN v. STATE OF CALIFORNIA

The order denying relief under Government Code section 946.6 is affirmed. (not published)

(Duffy, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)

Filed May 25, 2007

Sixth Appellate District

San Jose, California

Friday, May 25, 2007 (continued)

H030263 PEOPLE v. BOYD

The order granting probation is affirmed. (not published)  
(Elia, J.; We concur: Rushing, P.J., Premo, J.)  
Filed May 25, 2007

H030066 PEOPLE v. LARSEN

By the Court\*:

Appellant's petition for rehearing is denied.

Filed: May 25, 2007

\*Before Bamattre-Manoukian, Acting P.J., Mihara, J. and Duffy, J.